



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,648	02/09/2006	Toru Koike	00862.109341	2457
5514 7590 09/23/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
ADEYIGA, TEMITOPE A				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
09/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,648

Applicant(s)

KOIKE ET AL.

Examiner

TEMITOPE ADEYIGA

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This action is responsive to the communication filed on February 9th 2006.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The following claimed inventions are directed to non-statutory subject matter: Claims 11 and 23 since data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 10-12 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 5796429) hereinafter referred to as Suzuki.

Claim 1 Suzuki discloses "An imaging apparatus for recording captured images, comprising: a plurality of connector units for connecting removable storage medium, respectively [Suzuki Column 3; lines 50-55]; a first storage medium that is connected to a first connector unit among the plurality of connector-units and stores a plurality of image data as an object of image retrieval [item 9a]; a second storage medium that is connected to a

second connector unit among the plurality of connector units and stores key image data as a retrieve condition that was generated independently from the image data [item 9b]; and a retrieval unit that retrieves image data from the first storage medium that is similar to the key image data read from the second storage medium. [Suzuki Column 4; lines 42-51] In other words, Suzuki discloses that data communicated from external storage device is the catalyst (line 45 "in accordance with...") for operation of image generating part 15, whereas the operation of image generating part reads on "retrieving image data from the first storage medium."

Claim 4 Suzuki discloses "The imaging apparatus according to claim 1, further comprising: a display unit that displays, as candidate store areas for retrieved image data, a plurality of candidate store areas including the first storage medium first kind of storage medium and the second storage medium [Suzuki Column 4; lines 42-51]; a selection unit that selects a storage medium as a store area from the plurality of candidate store areas that were displayed; and a control unit that writes the image-data that was retrieved onto the storage medium that was selected. [Suzuki Column 6; lines 60-65]"

Claim 5 Suzuki does not specifically disclose "non-volatile storage medium or a volatile storage medium that is energized by a backup battery"; However examiner maintains that external storage devices disclosed by [Suzuki Column 3; line 52] are inherently either a "non-volatile storage medium or a volatile storage medium that is energized by a backup battery."

Claim 10 is of the same scope of Claim 1; therefore Claim 10 is rejected similarly as applied in the rejection of Claim 1.

Claim 11 is of the same scope of Claim 1; therefore Claim 11 is rejected similarly as applied in the rejection of Claim 1.

Claim 12 is of the same scope of Claim 1; therefore Claim 12 is rejected similarly as applied in the rejection of Claim 1.

Claim 24 is of the same scope of Claim 1; therefore Claim 24 is rejected similarly as applied in the rejection of Claim 1.

Claim 25 is of the same scope of Claim 4; therefore Claim 25 is rejected similarly as applied in the rejection of Claim 4.

Claim 26 is of the same scope of Claim 5; therefore Claim 26 is rejected similarly as applied in the rejection of Claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6-9, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Official Notice.

Claim 3 Suzuki discloses the claimed invention except for “a third storage medium”; However, Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide “a third storage medium” since, as cited in Claim 1, Suzuki discloses the interaction between the two connected external storage devices, to replace one of the external storage devices with another that functions the same way and will have the same interaction with the other external storage device requires only routine skill in the art.

Claim 6 Suzuki discloses the claimed invention except for “making file management information

such as a file name, a folder name, a file extension name or a file attribute respectively different for the key image data and the image data”; However, Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide “making file management information such as a file name, a folder name, a file extension name or a file attribute respectively different for the key image data and the image data”, since all computer files are encode for storage in a specific file format and all computer files in storage have a specific location within a storage medium.

Claim 7 Suzuki does not specifically disclose “an edit processing unit that reads the key image data from the second storage medium, edits the key image data that was read, and writes the edited key image data on the second storage medium”; However Official Notice is hereby taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide “an edit processing unit that reads the key image data from the second storage medium, edits the key image data that was read, and writes the edited key image data on the second storage medium” since it such as widely known and used feature wherever a storage device is being implemented.

Claim 8 Suzuki does not specifically disclose “deletion component that deletes the key image data stored in the second storage medium”; However Official Notice is hereby taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide “deletion component that deletes the key image data stored in the second storage medium” since it such as widely known and used feature wherever a storage device is being implemented.

Claim 9 Suzuki does not specifically disclose “copy component that reads the image data stored in the first storage medium and writes at least one part of the image data that was read on the second storage medium as the key image”; However Official Notice is hereby taken that it would have been obvious to

one of ordinary skill in the art at the time the invention was made to provide "copy component that reads the image data stored in the first storage medium and writes at least one part of the image data that was read on the second storage medium as the key image" since it such as widely known and used feature wherever a storage device is being implemented.

Claim 27 is of the same scope of Claim 6; therefore Claim 27 is rejected similarly as applied in the rejection of Claim 6.

Claim 28 is of the same scope of Claim 7; therefore Claim 28 is rejected similarly as applied in the rejection of Claim 7.

Claim 29 is of the same scope of Claim 8; therefore Claim 29 is rejected similarly as applied in the rejection of Claim 8.

Claim 30 is of the same scope of Claim 9; therefore Claim 30 is rejected similarly as applied in the rejection of Claim 9.

Claims 13-15, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of (US 20050110878) hereinafter referred to as Dalton.

Claim 13 Suzuki discloses "An imaging apparatus for recording captured images, comprising: connector component that connects image storage component that stores image data to the imaging apparatus in a removable condition [Suzuki Column 3; lines 50-60 items 10a and 10b]; retrieve condition storage component that stores retrieve condition data such as a key image or a keyword for use as a retrieve condition when performing image retrieval with respect to the image data stored in the image storage component connected to the connector component; retrieval component that retrieves the image data that matches or is similar to the retrieve condition data from the image storage component connected to the connector component [Suzuki Column 4; lines 42-51]"

Suzuki does not specifically disclose "and internal storage component that accumulatively stores the image data that was retrieved until there is an explicit delete instruction, even when the image storage component was detached from the connector component or was replaced with another image storage component" however it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide "and internal storage component that accumulatively stores the image data that was retrieved until there is an explicit delete instruction, even when the image storage component was detached from the connector component or was replaced with another image storage component" as disclosed by Dalton ¶[0023] the accumulation of images retrieved on a condition (tagged as "favorite") after the external storage device is no longer available.

Claim 14 Suzuki and Dalton disclose "the retrieval component retrieves the image data that matches or is similar to the retrieve condition data from each of a plurality of the image storage component that are sequentially inserted into and removed from the connector unit" [Dalton ¶26 and ¶27]

Claim 15 Suzuki and Dalton disclose "the retrieve condition storage component is a non-volatile storage medium and the retrieve condition data is used commonly with respect to the plurality of image storage component that are sequentially inserted into and removed from the connector unit." [Dalton ¶25, ¶26, and ¶27]

Claim 22 is of the same scope of Claim 13; therefore Claim 22 is rejected similarly as applied in the rejection of Claim 13.

Claim 23 is of the same scope of Claim 13; therefore Claim 23 is rejected similarly as applied in the rejection of Claim 13.

Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Dalton as applied to claim 13 above, and further in view of Official Notice.

Claim 16 Suzuki and Dalton disclose the claimed invention except for specifically disclosing “non-volatile storage component for saving the retrieve condition data when there is an instruction to deactivate the power from the power deactivation switch; and read/write control component that, when the power to the imaging apparatus is reactivated, reads the retrieve condition data from the non-volatile storage component to write the retrieve condition data in the retrieve condition storage component”; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide “non-volatile storage component for saving the retrieve condition data when there is an instruction to deactivate the power from the power deactivation switch; and read/write control component that, when the power to the imaging apparatus is reactivated, reads the retrieve condition data from the non-volatile storage component to write the retrieve condition data in the retrieve condition storage component”, since non-volatile storage devices were known to maintain an indicator of the status of data transfer for situations when the device that the non-volatile storage device is connected is powered off.

Claim 17 Suzuki and Dalton disclose the claimed invention except for specifically disclosing “selection component that selects whether or not to store the retrieve condition data on the non-volatile storage component when the image retrieval processing ends; and write control component that writes the retrieve condition data on the non-volatile storage component when a selection is made to store the retrieve condition data on the non-volatile storage component”; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide “selection component that selects whether or not to store the retrieve condition data on the non-volatile storage component when the image retrieval processing ends; and write control component that writes the retrieve condition data on the non-volatile storage component when a selection is made to store the retrieve condition data on the non-volatile storage component”, since, as mentioned above in the rejection of Claim 16, the status of data transfer were well known to non-volatile storage devices, to make that

feature selectable, requires only routine skill in the art.

Claim 18 Suzuki and Dalton disclose the claimed invention except for specifically disclosing “flag control component that sets a flag showing that retrieval is in progress at the start of image retrieval processing by the retrieval component and resets the flag at the end of the image retrieval processing; flag determination component that determines whether the flag is set when the power of the imaging apparatus is activated; first message display component that, when the flag had been set, displays a message to inquire whether or not to continue the image retrieval processing; first input component that inputs an instruction as to whether or not to continue the image retrieval processing; and first continuation instruction component that, when an instruction to continue the image retrieval processing was input, instructs the retrieval component to continue the image retrieval processing”; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide “flag control component that sets a flag showing that retrieval is in progress at the start of image retrieval processing by the retrieval component and resets the flag at the end of the image retrieval processing; flag determination component that determines whether the flag is set when the power of the imaging apparatus is activated; first message display component that, when the flag had been set, displays a message to inquire whether or not to continue the image retrieval processing; first input component that inputs an instruction as to whether or not to continue the image retrieval processing; and first continuation instruction component that, when an instruction to continue the image retrieval processing was input, instructs the retrieval component to continue the image retrieval processing”, since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.

Claim 19 Suzuki and Dalton disclose the claimed invention except for specifically disclosing “second message display component that, when an instruction is given to execute the image retrieval processing, displays a message to inquire whether or not to change the retrieve condition data; second input component that inputs an instruction to change the retrieve condition data; and change component that changes the retrieve condition data when an instruction is input to change the retrieve condition data”; However it Official

Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide "second message display component that, when an instruction is given to execute the image retrieval processing, displays a message to inquire whether or not to change the retrieve condition data; second input component that inputs an instruction to change the retrieve condition data; and change component that changes the retrieve condition data when an instruction is input to change the retrieve condition data", since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.

Claim 20 Suzuki and Dalton disclose the claimed invention except for specifically disclosing "third message display component that, when the image retrieval processing ends for an arbitrary image storage component, displays a message to inquire whether or not to replace the image storage component with a different image storage component and continue the image retrieval processing; third input component that inputs an instruction as to whether or not to continue the image retrieval processing; and second continuation instruction component that, when an instruction to continue the image retrieval processing is input and the different image storage component is connected to the connector component, instructs the retrieval component to continue the image retrieval processing"; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide "third message display component that, when the image retrieval processing ends for an arbitrary image storage component, displays a message to inquire whether or not to replace the image storage component with a different image storage component and continue the image retrieval processing; third input component that inputs an instruction as to whether or not to continue the image retrieval processing; and second continuation instruction component that, when an instruction to continue the image retrieval processing is input and the different image storage component is connected to the connector component, instructs the retrieval component to continue the image retrieval processing", since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.

Claim 21 Suzuki and Dalton disclose the claimed invention except for specifically disclosing “writing component that, when the image retrieval processing based on the retrieve condition data ends, writes completion information indicating the completion of the image retrieval processing based on the retrieve condition data onto the image storage component that is connected to the connector component; detection component that detects that the image storage component on which the completion information is stored was connected to the connector component; and fourth message display component that, when the connection is detected by the detection component, displays a message indicating that the image retrieval processing for the retrieve condition data has been completed”; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide “writing component that, when the image retrieval processing based on the retrieve condition data ends, writes completion information indicating the completion of the image retrieval processing based on the retrieve condition data onto the image storage component that is connected to the connector component; detection component that detects that the image storage component on which the completion information is stored was connected to the connector component; and fourth message display component that, when the connection is detected by the detection component, displays a message indicating that the image retrieval processing for the retrieve condition data has been completed”, since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMITOPE ADEYIGA whose telephone number is (571)270-3578. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571)272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. A./
Examiner, Art Unit 2622
09/17/2008

*/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622*